

MIDDLE GEORGIA STATE UNIVERSITY

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OFFICE OF TECHNOLOGY RESOURCES

Effective Date: 04/18/2013

Title: Campus Downloading

1.0 Overview

Respect for intellectual labor and creativity is vital to academic discourse and enterprise. This principle applies to works of all authors and publishers in all media. It encompasses respect for the right to acknowledgment, right to privacy, and right to determine the form, manner, and terms of publication and distribution.

Because electronic information is volatile and easily reproduced, respect for the work and personal expression of others is especially critical in computer environments.

2.0 Purpose

The Higher Education Act of 1965 was amended in August 2008 by the enactment of the Higher Education Opportunity Act (HEOA), requiring all postsecondary institutions that participate in Title IV student aid programs to develop and implement written plans to effectively combat the unauthorized distribution of copyrighted material by users of the institution's network, without unduly interfering with educational and research use of the network. These regulations went into effect July 1, 2010. This policy will define Middle Georgia State University's implementation of this section of the law.

3.0 Scope

The scope of this policy includes all users of Middle Georgia State University-owned network-computing resources.

4.0 Policy

Middle Georgia State University will "effectively combat" the unauthorized distribution of copyrighted material using one or more technology-based deterrents as well as education and enforcement programs.

Middle Georgia State University will periodically review alternatives to illegal file downloading and make results available to its students through a Web site or other means.

Middle Georgia State University will make an annual disclosure that informs students that the illegal distribution of copyrighted materials may subject them to criminal and civil penalties and describes the steps that institutions will take to detect and punish illegal distribution of copyrighted materials.

5.0 Standard

Effectively Combat Copyright Abuse

Middle Georgia State University will implement several "technology-based deterrents" to help combat illegal file sharing of copyright materials

- Bandwidth shaping
- Traffic monitoring
- Blocking peer-to-peer applications

Middle Georgia State University will follow "a vigorous program of accepting and responding to Digital Millennium Copyright Act (DMCA) notices" whereby The Office of Technology Resources will evaluate and remove offending material when practicable.

Middle Georgia State University will maintain a list of informative links regarding the issue of copyright as a whole and how it pertains to Higher Education at <http://www.mga.edu/technology/copyright.aspx> and may provide additional information via videos or other media.

In consultation with the chief information officer, Middle Georgia State University will periodically assess the effectiveness of these measures by careful review of infringement numbers, emerging preventative technologies, as well as best practices set forth by peer institutions.

Alternatives to Illegal Downloading

In consultation with the chief information officer, Middle Georgia State University will periodically review the legal alternatives for downloading or otherwise acquiring copyrighted material and make the results available through a web site or other means.

Middle Georgia State University will provide a direct link to the EDUCAUSE web page listing of legal online downloading sites at <http://www.educause.edu/legalcontent> .

Annual Notice

“Under 34 CFR 668.41(c), an institution must provide to enrolled students an annual notice containing a list and brief description of the consumer information it must disclose and the procedures for obtaining this consumer information. An institution must add to this list information regarding institutional policies and sanctions related to the unauthorized distribution of copyrighted material. Consistent with current regulations (34 CFR 668.41(a)), an institution must provide this annual notice on a one-to-one basis through a direct individual notice to each enrolled student. This notice must be made through an appropriate mailing or publication, including direct mailing through the U.S. Postal Service, campus mail, or electronic mail. Posting on Internet or Intranet Web sites does not constitute notice. If the institution discloses the consumer information by posting the information on a Web site, it must include in the notice the exact electronic address at which the information is posted, and a statement that the institution will provide a paper copy of the information on request.” Three pieces of information related to copyright policy and law must be included in this annual notice:

- i) A statement that explicitly informs its students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities;
- ii) A summary of the penalties for violation of Federal copyright laws; and

Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.

- iii) A description of the institution's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken against students who engage in illegal downloading or unauthorized distribution of copyrighted materials using the institution's information technology system.

6.0 Enforcement

Unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject violators to civil and criminal penalties and may be grounds for institutional sanctions against those involved.

When Middle Georgia State University receives a copyright violation complaint from a copyright holder or its agent, The Office of Technology Resources will act expeditiously to remove the purported infringing material when practicable.

In cases where Middle Georgia State University computer resources are being used for unauthorized distribution of copyrighted material, the Office of Technology Resources will ask the user/owner to remove the offending material. A copy of this policy will be provided to the person deemed responsible. Failure to remove the offending material will result in the referral to the appropriate disciplinary committee.

In cases where Middle Georgia State University network resources are being used for unauthorized distribution of copyrighted material, but Middle Georgia State University does not own the device where the offending material resides, network access will be blocked to the device. A copy of this policy will be provided to the person deemed responsible before access is re-enabled.

Gross violations and repeat violations may subject violators to more harsh sanctions including suspension of system privileges, suspension/expulsion from the institution, termination of employment and/or legal action as may be determined by the appropriate disciplinary committee.

Middle Georgia State University maintains a list of informative links regarding the issue of copyright as a whole and how it pertains to Higher Education at <http://www.mga.edu/technology/copyright.aspx> .

7.0 Definitions

Term	Definition
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Peer-to-peer	SearchNetworking.com defines peer-to-peer as “a communications model in which each party has the same capabilities and either party can initiate a communication session. Other models with which it might be contrasted include the client/server model and the master/slave model.”
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File-sharing	Whatis.com defines file sharing as “the public or private sharing of computer data or space in a network with various levels of access privilege. While files can easily be shared outside a network (for example, simply by handing or mailing someone your file on a diskette), the term file sharing almost always means sharing files in a network, even if in a small local area network. File sharing allows a number of people to use the same file or file by some combination of being able to read or view it, write to or modify it, copy it, or print it.”
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8.0 Revision History

05/25/2011 - Replaces Peer-to-Peer Policy

04/18/2013 - Changed institution name and links to reflect consolidation

08/04/2015 - Changed institution name to reflect University status

Sample Notice

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Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.

For more information, please see the Web site of the U.S. Copyright Office at www.copyright.gov, especially their FAQ's at www.copyright.gov/help/faq.

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